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Paper: Amendment Transmittal Letter w/3 month extension of time (4 pgs. in dup. w/first class mail stamp) addressed to BOX FEE AMENDMENT; Amendment (25 pgs) responsive to the Office Action dated July 31, 2001; return receipt postcard.

Applicant(s): B. Murphy et al.
Title: USE OF RECOMBINANT LIVE-ATTENUATED PARAINFLUENZA VIRUS (PIV) AS A VECTOR TO PROTECT AGAINST DISEASE CAUSED BY PIV AND RESPIRATORY SYNCYTIAL VIRUS (RSV)

Serial No.: 09/458,813
Filed: December 10, 1999
Docket No.: NIH-0105
Date Sent: January 31, 2002
JKING/jabernathy

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DATE: **March 26, 2002**

JOB CODE: **40070**

Please deliver this and the following pages to:

Name: **Examiner Stacy S. Brown, Group 1600, Art Unit 1648**

Company/Firm: **U.S. Patent and Trademark Office**

Your Reference: **09/458,813**

Telecopier No.: **703.746.3113**

Client/Matter No.: **NIH-0105 (formerly 17634-000330)**

SENDER'S NAME: **Jeffrey J. King, Reg. No. 38,515**

PAGES TO FOLLOW: **31**

If transmission is not complete, please call (206) 332-1380.

COVER MESSAGE:

As you requested, attached is the transmittal letter, amendment, and return receipt postcard for the above-identified application.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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Amtd. D
3/26/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Brian R. Murphy et al.

Serial No.: 09/458,813

Group Art Unit: 1648

Filing Date: December 10, 1999

Examiner: S. Brown

**For: USE OF RECOMBINANT LIVE-ATTENUATED PARAINFLUENZA VIRUS
(PIV) AS A VECTOR TO PROTECT AGAINST CAUSED BY PIV AND
RESPIRATORY SYNCYTIAL VIRUS (RSV)**

DATE OF DEPOSIT: January 31, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE
INDICATED ABOVE AND IS ADDRESSED TO THE
ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, DC 20231

Jeffrey J. King
TYPED NAME: Jeffrey J. King
REGISTRATION NO 38,515

Box ☒ **FEE**

☐ **AF**

Assistant Commissioner for Patents
Washington DC 20231

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated July 31, 2001.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.

DOCKET NO.: NIH-0105/E-089-97/5 - 2 -

PATENT

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications:
is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____
- ☐ Other Material as follows: _____

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PATENT

FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	40	52 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$ 0
INDEP. CLAIMS	2	4 (3 MINIMUM)	0	\$40 EACH	\$	\$80 EACH	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$135	\$	\$270	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$195	\$	\$390	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$445	\$	\$890	\$890
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$695	\$	\$1390	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$945	\$	\$1890	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$890

- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **July 31, 2001** to and through **January 31, 2002** comprising an extension of the shortened statutory period of **three (3) month(s)**.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

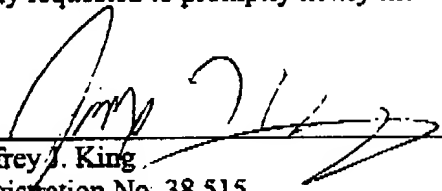
DOCKET NO.: NIH-105/E-089-97/5 - 4 -

PATENT

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: January 31, 2002


Jeffrey J. King
Registration No. 38,515

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